

JUDICIARY

DATE 1-10-07

[illegible]



SENATE STANDING COMMITTEE REPORT

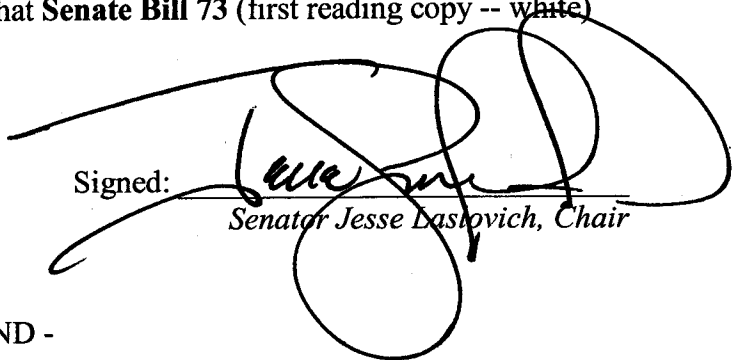
January 10, 2007

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 73** (first reading copy -- white) do pass.

Signed:


Senator Jesse Lastovich, Chair

- END -

Committee Vote:
Yes 12, No 0.

061205SC.ssc

Handwritten initials, possibly "KL", in the bottom right corner.



SENATE STANDING COMMITTEE REPORT

January 10, 2007

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 27** (first reading copy -- white) do pass as amended.

Signed:


Senator Jesse LaSlovich, Chair

And, that such amendments read:

1. Title, line 7.

Following: "A"

Strike: "CUSTODIAL"

Insert: "FINDING THAT CONTACT IS IN THE BEST INTERESTS OF THE CHILD AND THE PRESUMPTION IN FAVOR OF A FIT"

2. Title, line 8.

Following: "BE"

Strike: "SHOWN TO BE AN UNFIT PARENT"

Insert: "REBUTTED"

3. Title, line 9 through line 10.

Strike: "IN THE BEST" on line 9 through "CHILD" on line 10

4. Page 1, line 29.

Following: the first "parent"

Strike: "or" through "neglect"

Insert: "and in the case of an objecting fit parent that the presumption in favor of the parent's wishes has been rebutted"

5. Page 2, line 16 through line 17.

Following: "only" on line 16

Strike: remainder of line 16 through "and" on line 17

Following: "child" on line 17

Insert: "and the presumption in favor of the parent's wishes has been rebutted"

Committee Vote:

Yes 12, No 0.

061206SC.ssc

6. Page 2, line 28.

Strike: "(a)"

Strike: "custodial"

Insert: "fit"

7. Page 2, line 30.

Strike: "objecting parent is an unfit parent and that the"

Following: "contact"

Insert: "with the grandparent"

Following: "child"

Insert: "and that the presumption in favor of the parent's wishes
has been rebutted"

8. Page 3, line 1 through line 2.

Strike: subsection (b) in its entirety

- END -



SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

SB 73 SB 27

PROXY VOTE

I, the undersigned, hereby authorize Senator Sen Legendre Mors

to vote my proxy on any issue before the Senate WS

_____, Committee

held on Jan 10, 2007, 2007.

Carol Mullins
SENATOR
STATE OF MONTANA

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (1) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator Dan McGee


to vote my proxy on any issue before the Senate Judiciary

_____ Committee

held on 1-10-07, 2007.

SB 73 - Aye

SB 27 - Aye



SENATOR
STATE OF MONTANA

**MONTANA STATE SENATE
2007 LEGISLATURE**

VISITOR REGISTER

JUDICIARY

DATE January 10, 2007

BILLS BEING HEARD TODAY SB 85, 104, 156, 154

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Jim Kembel	439-6791	MACOP	SB 85, 154 104	X	
Shirley K Brown	444-5906	DPHH - CFSO	SB 85	Informational	
Craig Campbell	459-2756	MNOA	SB 85	X	
John G. Brown	443-7794	MCADSV	SB 104, 156	x	
Todd B Wampler	459-6843	St Peter's Hospital	SB 85	X	
Tim Smith	443-1570	MCAA	SB 85, 104, 156	X	
SHERRI RAFTER	458-3721	DEC			
Jani McCall	670-3084	MCI - Billings Clinic	SB 85	X	
Bon Alsbury	444-4525	Robert & Perle	156	Informational	
Ali Borvingdon	444-9734	AG's Office	104, 156	X	
Cory Jude	439-1576	MT RYA to LGO	SB 154	X	
Rachel Roberts	444-7773	Montana Family Foundation	156, 154	X	
Ali Borvingdon	444-9734	AG's Office	154	Informational	
Kelsie Young	443-7794	MCADSV	156, 104	X	
Pam Budy	444-2026	DOJ	85	X	
Linda Gryczan	431-3635	Business & Professional	SB 156	X	
Scott Currett	443-8580	NCLL	SB 154/156		x

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

Bill # SB0156

Title: Sex offender accountability act

Primary Sponsor: Perry, Gary L

Status: As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
Expenditures:				
General Fund	\$151,684	\$456,342	\$761,001	\$1,065,659
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u>(\$151,684)</u>	<u>(\$456,342)</u>	<u>(\$761,001)</u>	<u>(\$1,065,659)</u>

Description of fiscal Impact:

This bill would permit county attorneys to prosecute a youth age 16 or older as an adult for the crime of sexual assault. The penalties for sexual intercourse without consent and sexual abuse of children when the victim is less than 12 years old would be increased to 25 years without the possibility of parole followed by lifetime probation.

FISCAL ANALYSIS

Assumptions:

1. This law imposes a mandatory minimum term of 25 years for those convicted of sexual intercourse without consent and sexual abuse of children when the victim is less than 12 years of age.
2. An increase in cost will occur in the first five years due to probationers who will be sentenced to prison on the first offense under this bill. The Department of Corrections estimates 11 probationers will be sentenced to prison in FY 2008 and an additional 11 in FY 2009, 2010 and 2011. Using the current DOC cost per day of \$75.88, the FY 2008 cost is estimated to be \$151,684.12, \$456,342.32 in FY 2009, \$761,000.52 in FY 2010 and \$1,065,658.72 in FY 2011.

3. The current average sentence for offenders convicted of these sex offenses is five years. An additional increase in cost for offenders already in prison for these offenses will occur after five years. Lifetime probation will not occur until 2033.
4. Long-term impact of sentencing sex offenders to a minimum 25 year sentence is \$10,319,908 by FY 2017.
5. Under this bill, an additional 11 offenders between the ages of 16 and 18 could be sentenced as an adult instead of a juvenile for the crime of sexual assault. There is no way to determine how many of those offenders sentenced as a juvenile would be sentenced as an adult because it is at the court's discretion.

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses	\$151,684	\$456,342	\$761,001	\$1,065,659
<u>Funding of Expenditures:</u>				
General Fund (01)	\$151,684	\$456,342	\$761,001	\$1,065,659
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$151,684)	(\$456,342)	(\$761,001)	(\$1,065,659)

GSD
Sponsor's Initials

1/10/07
Date

RE Quirk
Budget Director's Initials

1/5/07
Date